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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,192

10/10/2006

Padam Singh

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EXAMINER

RIVELL, JOHN A

ART UNIT

PAPER NUMBER

3753

MAIL DATE

DELIVERY MODE

04/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,192	Applicant(s) SINGH, PADAM	
	Examiner JOHN RIVELL	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/10/06 (application).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02132006</u> . | 6) <input type="checkbox"/> Other: _____ |

The record of this application includes two sets of claims numbered 1-8 each appropriately marked with the International application serial number and a third set of claims numbered 1-7 which does not include the International application serial number but is marked as "amended sheet". Additionally the record includes two distinct versions of the specification. One version appears to be as filed in the International application as the version of appropriately marked with the International application serial number. The other version is not so marked with the International application serial number but is marked as "amended sheet". This "amended sheet" version is incomplete as page 5 (as marked, the last page) of this version appears to run on.

All of these submissions were received on the same date and there does not appear to be any instructions from applicant as per usual U.S. PTO amendment practice. Applicants cover letter filed with the application, the Patent Office forms PTO-905 and PTO-903 all do not acknowledge the filing of any amendment in the International application. However, the record of the prosecution in the International application demonstrates a search report (PCT/210) and Written Opinion (PCT/237) regarding claims numbered 1-8 and an International Preliminary report (PCT/409) regarding claims 1-7 which implies an amendment was filed.

Accordingly, out of an abundance of caution, and since the "amended sheet" version of the specification of record is in fact incomplete, Examination will proceed below on the basis of the specification as originally filed in the International application and on claims 1-8 as originally filed in the International application.

Claims 3-6 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only (see for example claim 3, “as claimed in in (duplicate wording in original) 1 and 2”) and cannot depend from any other multiple dependent claim (see claim 4, “as claimed in any one of claims 1 to 3”). Claims 5 and 6 are included due to dependency. See MPEP § 608.01(n). Accordingly, the claims 3-6 not been further treated on the merits.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. These claims are omnibus type claims.

Claims 1-3, 7 and 8 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. Examples of narrative language are “preferably...” (claim 1, line 2); examples of indefinite language are “the vented gas” (claim 1 line 3), “the plant” (claim 1, lines 3-4), “the flare stack” (claim 1, lines 7-8).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected (in so far as understood) under 35 U.S.C. §102 (b) as being anticipated by Mennesson (U. S. Pat. No. 2,565,616).

The patent to Mennesson discloses a "liquid seal" at the liquid located in the "U" bend 26 between pipe 24 and pipe 25. Gas pressure in pipe 24 forces liquid in bend 26 up pipe 25 out to "liquid holder" 20 and/or 22. The gas pressure in bend 26 closes weight biased ball check valve 29 closing a fluid path 27 between the bottom of the "liquid holder" at 22 and the bend 26. Once gas pressure in bend 26 is relieved, liquid from "liquid holder" 22 will flow from the bottom of the holder 22, through conduit 27, through check valve 29 and back into bend 26 to seal pipe 24 from pipe 25 to prevent the escape of gas from pipe 24 to pipe 25.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected (in so far as understood) under 35 U.S.C. 103(a) as being unpatentable over Mennesson (U. S. Pat. No. 2,565,616) in view of Bradford (U. S. Pat. No. 1,439,602).

The patent to Mennesson discloses all the claimed features with the exception of having a drain path connected to the bend 26, including a valve therein, to drain liquid from the bend.

The patent to Bradford discloses that it is known in the art to employ a drain path, at 11, including a valve 12 therein, for the purpose of draining liquid 8 from a liquid valve at a "U" bend gas path between an inlet and an outlet (note the arrow indicating gas flow) to allow for changing of the liquid forming the valve if so desired.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Mennesson a drain path and valve therein for the purpose of draining liquid from the bend 26 therein to allow for changing of the liquid forming the valve if so desired as recognized by Bradford.

It would appear that claims 3 and 4 include potential allowable subject matter relating to the disclosed "pipe connecting the tip" of the arms of the "U" bend and the "second pipe means... provided with a restricted orifice". However due to the current wording of the claims the current version cannot be deemed allowable at this time.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN RIVELL whose telephone number is (571)272-4918. The examiner can normally be reached on Mon.-Fri. from 6:00am-2:30pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/John Rivell/
John Rivell
Primary Examiner
Art Unit 3753**